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ENGLISH

PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND
NINE HUNDRED AND SEVENTY-THIRD MEETING

Held at Headquarters, New York,
on Friday, 4 January 1991, at 12.15 a.m.

President:	Mr. BAGBENI ADEITO NZENGEYA	(Zaire)
Members:	Austria	Mr. HOHENFELLNER
	Belgium	Mr. NOTERDAEME
	China	Mr. WANG Guangya
	Côte d'Ivoire	Mr. ANET
	Cuba	Mr. ZAMORA RODRIGUEZ
	Ecuador	Mr. POSSO SERRANO
	France	Mr. DELON
	India	Mr. GHAREKHAN
	Romania	Mr. MUNTEANU
	Union of Soviet Socialist Republics	Mr. VORONTSOV
	United Kingdom of Great Britain and Northern Ireland	Sir David HANNAY
	United States of America	Mr. WATSON
	Yemen	Mr. AL-ALFI
	Zimbabwe	Mr. MUMBENGEGWI

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The meeting was called to order at 12.45 a.m.

EXPRESSION OF THANKS TO THE RETIRING PRESIDENT

The PRESIDENT (interpretation from French): Since this is our first formal meeting this month, I wish on behalf of us all to convey our thanks to Ambassador Al-Ashtal of Yemen, who presided over the Council's work last month, for the excellent manner in which he conducted its proceedings. His diplomatic skills are well known, and I feel that we should once again convey to him our sincere expressions of gratitude for the competence and effectiveness with which he allowed us to settle very important matters during the month of December.

EXPRESSION OF WELCOME TO THE NEW MEMBERS OF THE SECURITY COUNCIL AND OF THANKS TO THE OUTGOING MEMBERS OF THE SECURITY COUNCIL

The PRESIDENT (interpretation from French): I wish to emphasize the constructive and positive contribution made by the outgoing members of the Council - Canada, Colombia, Ethiopia, Finland and Malaysia - which in the past two years have made wholly positive contributions to the Security Council in its work. Together with other members, they worked to enable the Council to perform its tasks.

Lastly, I wish to congratulate the new countries of the Security Council - Austria, Belgium, Ecuador, India and Zimbabwe. All five countries are well known for their commitment to the cause of peace, and we are sure that their presence among us will contribute to the cause of peace in the world and allow the Council better to perform its work.

ADOPTION OF THE AGENDA

The agenda was adopted.

THE SITUATION IN THE OCCUPIED ARAB TERRITORIES

The PRESIDENT (interpretation from French): I should like to inform the Council that I have received a letter dated 3 January 1991 from the Chargé

(The President)

d'affaires ad interim of Palestine to the United Nations, which will be issued as document S/22045 and which reads as follows:

"I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to participate in the debate on the item entitled 'The situation in the occupied Arab territories'."

The request is not made pursuant to rule 37 or rule 39 of the provisional rules of procedure of the Security Council but if approved by the Council would invite the Permanent Observer of Palestine to participate, not under rule 37 or rule 39, but with the same rights of participation of rule 37.

Does any member of the Security Council wish to speak on this request?

Mr. WATSON (United States of America): The United States, as it normally does when this question is considered, will request a vote on the proposal before the Security Council, and the United States will vote against it on two grounds. First, we believe that the Council does not have before it a valid request to participate. Secondly, the United States maintains that the representative of the Palestine Liberation Organization (PLO) should be granted permission to participate only if the request complies with rule 39 of the provisional rules of procedure. In our view it is unwarranted and unwise for the Council to break with its own practice and rules.

As members of the Council we should ask ourselves this question: Does a decision to break with our rules and procedures enlarge or diminish the Council's ability to play a constructive role in the Middle East peace process? My delegation firmly believes it diminishes the Council's ability to play such a role.

As all members of the Council are aware, it is a long-established practice that Observers do not have the right to participate in the Security Council at

(Mr. Watson, United States)

their own request. Rather, a request must be made on the Observer's behalf by a Member State. My Government sees no justification for any departure from that practice. Further, there is nothing in resolutions recently adopted by the Assembly that would warrant a change in Security Council practice. It is also clear that General Assembly resolutions are not binding on the Security Council.

(Mr. Watson, United States)

General Assembly resolution 43/177, which purported to change the designation of the PLO Mission, did so

> "without prejudice to the observer status and functions of the Palestine Liberation Organization within the United Nations system, in conformity with relevant United Nations resolutions and practice". (General Assembly resolution 43/177, para. 3)

That resolution does not constitute recognition of any State of Palestine. Like many other Members of the United Nations, the United States does not recognize such a State.

The United States has consistently taken the position that under the provisional rules of procedure of the Security Council the only legal basis on which the Council may grant a right to participate to persons representing non-governmental entities is rule 39. For four decades the United States has supported a generous interpretation of rule 39 and would not have objected had this matter been appropriately raised under that rule. We are, however, opposed to special, ad hoc departures from orderly procedure. The United States consequently opposes granting to the Palestine Liberation Organization the same rights to participate in the proceedings of the Security Council as that organization would have if it represented a Member State of the United Nations.

We believe in listening to all points of view, but not in a manner that requires violating the rules. In particular, the United States does not agree with the recent practice of the Security Council that appears selectively to try to enhance the prestige of those who wish to participate in the Council through a departure from the rules of procedure.

We consider this special practice to be without legal foundation and to constitute an abuse of the rules.

(Mr. Watson, United States)

For all those reasons the United States requests that the terms of the proposed invitation be put to a vote. Of course, the United States will vote against the proposal.

The PRESIDENT (interpretation from French): If no other member of the Council wishes to speak at this stage, I shall take it that the Council is ready to vote on the request by Palestine.

It is so decided.

I now put the request by Palestine to the vote.

A vote was taken by show of hands.

In favour: Austria, China, Côte d'Ivoire, Cuba, Ecuador, India, Romania, Union of Soviet Socialist Republics, Yemen, Zaire, Zimbabwe

Against: United States of America

Abstaining: Belgium, France, United Kingdom of Great Britain and Northern Ireland

The PRESIDENT (interpretation from French): The result of the voting is as follows: 11 votes in favour, 1 vote against and 3 abstentions. The request by Palestine has been approved.

At the invitation of the President, Mr. Al-Kidwa (Palestine) took a place at the Council table.

The PRESIDENT (interpretation from French): The Security Council will now begin its consideration of the item on the agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to draw the attention of members of the Council to the following documents: S/22037, which contains the text of a letter dated 31 December 1990 from the Chargé d'affaires ad interim of the Permanent Observer Mission of

(The President)

Palestine to the United Nations addressed to the Secretary-General; and S/22040, which contains the text of a letter dated 31 December 1990 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestine People addressed to the Secretary-General.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The members of the Security Council are deeply concerned about recent acts of violence in Gaza, especially actions by Israeli security forces against Palestinians, which led to scores of casualties among those civilians.

"The members of the Council deplore those actions, particularly the shooting of civilians. They reaffirm the applicability of the Fourth Geneva Convention of 1949 to all the Palestinian territories occupied by Israel since 1967, including Jerusalem, and request that Israel, the occupying Power, fully comply with the provisions of the Convention.

"The members of the Council reaffirm their positions, most recently expressed in Security Council resolution 681 (1990), and support the work of the Secretary-General in implementing the said resolution. They further urge intensified efforts by all who can contribute to reducing conflict and tension in order to achieve peace in the area."

The Security Council has thus concluded the present stage of its consideration of the item on the agenda.

The meeting rose at 1 a.m.